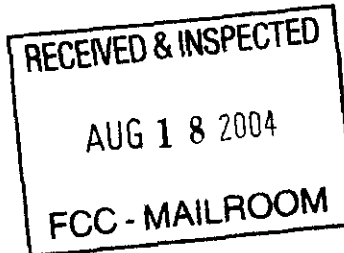




NOVATO UNIFIED SCHOOL DISTRICT

1015 SEVENTH ST. • NOVATO, CALIFORNIA 94945 • TEL: (415) 897-4201 • FAX: (415) 898-5790
web site - <http://nUSD.org>

Dr. Jan La Torre-Derby
Superintendent



Victor Guthrie
Director of Information Services

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

Request for Waiver
Re: CC Doc 02-6

August 11, 2004

To Whom It May Concern:

Contact Information

The person who can most readily discuss this waiver request is:

Name: Victor Guthrie
Address: 1015 Seventh Street, Novato CA 94945
Telephone number: (415) 897-4299
Fax number: (415) 897-0768
E-mail address: vguthrie@nUSD.org

This letter is a request for a waiver of the filing date rule for two Form 471s. This request is based primarily on the incongruent information and instructions on the SLD website for filing forms.

The relevant funding year is 2004 and the Out Of The Window letters were dated June 14, 2004.

The Billed Entity Name is Novato Unified School District. The Form 471 application numbers are 435492 and 435531 and the Billed Entity Number is 144252.

As an example, Attachment 1, our POSTMARKED OUTSIDE OF WINDOW letters, point 1.a., as well as Attachment 2.a from the website, illustrates where the SLD requests the precise text from the decision that is at the heart of our "appeal". However, there was no such decision language in the letter, merely the statement that our Form 471 application was postmarked on 3/4/04. Shown on attachment 1 we are requested to "keep your letter to the point", 1.b, and alternatively Attachment 2.b states that "the more detail you provide in your letter of appeal to the SLD, the easier it will be for the SLD to respond to your appeal."

Our particular situation stems partially from the Budget Crisis which California has been facing coupled by the resignation of the Director of the Department which had been overseeing E-rate compliance, Information Services.

No. of Copies rec'd 0
List ABCDE

On the first matter, this district has already been severely impacted by state budget cuts. It would not be in the best interest of this public school district to have our funding slashed further. The impact to the nearly 8,000 California students of this school system would be extremely detrimental.

On the issue regarding the loss of our Director of Information Services, the duties of E-Rate compliance were picked up by her assistant. It was with great difficulty that he followed the maze of instructions as posted on the USAC SLD website. Attachment 3 shows a misleading timeframe, "exact date will be posted on our website", and unless an e-rate applicant is thoroughly familiar with the system would they know to check back on a regular basis until the date is posted. Amongst other issues, we find serious contention with the published Estimated Average Burden Hours: 4 hours, Attachment 4, which was utilized in assessing the time allotment for the project. For an employee completely new to the procedures of filing the Forms 471 and attempting to understand the very technical nature of the structure it will take drastically more than 4 hours merely to learn how to navigate through the maze of the website. From there he/she must research for all the correct data to populate the various levels of intricacies. Our employee relied on this information as accurate and therefore began too late and was unable to submit the form by the deadline.

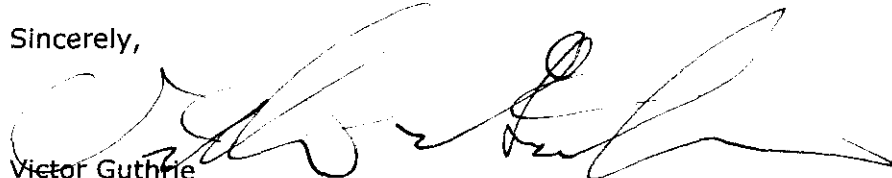
We are certain that the Commission's rules should be waived for good cause as the Commission may exercise its discretion to waive a rule where the particular facts make strict compliance inconsistent with the public interest. In this case the public interest would be severely negatively impacted by the lose of consistency to our District's Technology Plan and Implementation.

In addition, the Commission should take into account considerations of hardship, equity, or more effective implementation of overall policy on an individual basis.

A waiver is, therefore, appropriate seeing that special circumstances warrant a deviation from the general rule, and such deviation would better serve the public interest than strict adherence to the general rule. The test for whether Novato Unified School District may be granted a waiver is whether we have shown such special circumstances that warrant such deviation from the standard rule. We ask you to conclude that Novato Unified School District has made that showing, and grant our petition for the waiver.

Novato Unified's situation raises the kind of particular facts and circumstances warranting waiver of the Commission's rules. Under these facts, we ask that enforcement of the February 4, 2004 deadline be deemed inconsistent with the public interest. The Commission should specifically direct the Bureau to waive any rules to the extent necessary to implement the NUSD filing of Form 471 for funding year 2004. NUSD's petition for waiver of the February 4, 2004 deadline for receipt of Form 471 should be granted and the deadline extended until March 5, 2004.

Sincerely,



Victor Guthrie
Director of Information Services
Novato Unified School District



Universal Service Administrative Company

Schools & Libraries Division

**FUNDING YEAR 2004 FORM 471
POSTMARKED OUTSIDE OF WINDOW**

June 14, 2004

Craig Lubey
NOVATO UNIFIED SCHOOL DISTRICT
740 Diablo Avenue
NOVATO, CA 94947-4004

Re: Applicant's Form Identifier: NOV Tel-Net
Form 471 Application Number: 435531

Dear Craig Lubey:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 03/05/2004, which is AFTER the 2004-2005 filing window closed at 11:59 p.m. EST on Wednesday, February 4, 2004.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the SLD web site at www.sl.universalservice.org once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2004-2005 applications, about funding for applications filed after the close of the filing window or about plans for the 2005-2006 application process, please visit our web site or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Out of Window Letter you are appealing. Indicate the relevant funding year and the date of the letter. Your letter of appeal must also include the Billed Entity name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, include the (precise text from the letter that is at the heart of your appeal) to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation. 1.a.
1.b.

Attachment 1

4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

Attachment 1



Universal Service Administrative Company
Schools & Libraries Division

FUNDING YEAR 2004 FORM 471
POSTMARKED OUTSIDE OF WINDOW

June 14, 2004

Craig Lubey
NOVATO UNIFIED SCHOOL DISTRICT
1015 7TH ST
NOVATO, CA 94945-2228

Re: Applicant's Form Identifier: Nov Cell 07
Form 471 Application Number: 435492

Dear Craig Lubey:

We are sending this letter to thank you for your recent Form 471 application. Your Form 471 application was postmarked on 03/04/2004, which is AFTER the 2004-2005 filing window closed at 11:59 p.m. EST on Wednesday, February 4, 2004.

Program rules require us to hold your application pending final review of those applications that were filed within the filing window. We will post an announcement on the SLD web site at www.sl.universalservice.org once we determine if funding applications that were submitted within the application filing window will fully utilize all the funds available for this Funding Year.

For more information about the processing of 2004-2005 applications, about funding for applications filed after the close of the filing window or about plans for the 2005-2006 application process, please visit our web site or call the Client Service Bureau at 1-888-203-8100.

TO APPEAL THIS DECISION:

If you wish to appeal the decision indicated in this letter, your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. In your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which Out of Window Letter you are appealing. Indicate the relevant funding year and the date of the letter. Your letter of appeal must also include the Billed Entity name, the Form 471 Application Number, and the Billed Entity Number from the top of your letter.
3. When explaining your appeal, include the precise text from the letter that is at the heart of your appeal to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.

1.a.
1.b.

Attachment 1

4. Provide an authorized signature on your letter of appeal.

If you are submitting your appeal on paper, please send your appeal to: Letter of Appeal, Schools and Libraries Division, Box 125 - Correspondence Unit, 80 South Jefferson Road, Whippany, NJ 07981. Additional options for filing an appeal can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We encourage the use of either the e-mail or fax filing options.

While we encourage you to resolve your appeal with the SLD first, you have the option of filing an appeal directly with the Federal Communications Commission (FCC). You should refer to CC Docket No. 02-6 on the first page of your appeal to the FCC. Your appeal must be received or postmarked within 60 days of the above date on this letter. Failure to meet this requirement will result in automatic dismissal of your appeal. If you are submitting your appeal via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site or by calling the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division
Universal Service Administrative Company

Attachment 1

You can look at FCC orders relating to both appeals and waiver requests at the FCC web site's [Appeals Page](#).

I. For Appeals Filed Directly with the SLD

A. How to prepare your letter of appeal:

1. Include the name, address, telephone number, fax number, and e-mail address (if available) for the person who can most readily discuss this appeal with us.
2. State outright that your letter is an appeal. Identify which SLD Decision(s) you are appealing. Indicate the relevant funding year and the date of the document. Your letter of appeal must also include the Billed Entity Name, the relevant form application number (if available), and the Billed Entity Number.
3. When explaining your appeal, **copy the language or text from the decision that is at the heart of your appeal** to allow the SLD to more readily understand your appeal and respond appropriately. Please keep your letter to the point, and provide documentation to support your appeal. Be sure to keep copies of your correspondence and documentation.
4. Provide an authorized signature on your letter of appeal. When you file your appeal by e-mail (see below), you must include the name, the title and the telephone number of the authorized person.

2. a.

Please note: The more detail you provide in your letter of appeal to the SLD, the easier it will be for the SLD to respond to your appeal. However, the SLD will thoroughly research your appeal and consider all the documentation you have submitted that relates to the decision you are appealing. For more information, please refer to [Appeals — SLD Guidelines for Review](#) posted in the Reference Area of this web site.

2. b.

B. How to submit your letter of appeal:

1. Send letters of appeal to the following address:

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

2. Appeals may also be submitted electronically, either by electronic mail (e-mail) or by fax.

* Appeals submitted by e-mail must be sent to [appeals](#) using the organization's e-mail account. Appeals submitted by e-mail will be considered "postmarked" on a business day if they are sent from the sender's

Attachment 2

Graphics Off



The Universal Service Administrative Company

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July 1 through the following June 30 (non-recurring services through the following September 30)

► Form 470

Posted at least 28 days before the filing of the Form 471, keeping in mind (1) the timeframe for compliance with all competitive bidding requirements and (2) the Form 471 application filing window opening and closing dates

► Form 471 window

Early November to early February preceding the start of the Funding Year (exact dates for each funding year will be posted on our web site)

► Form 471

Received or postmarked no later than 11:59 PM EST on the day of the close of the Form 471 application filing window (exact date will be posted on our web site)

► Form 486

Received or postmarked no later than 120 days after the date of the Funding Commitment Decision Letter or 120 days after the Service Start Date, whichever is later

► Form 472 / Form 474

Received or postmarked no later than 120 days after the date of the Form 486 Notification Letter or 120 days after the last date to receive service, whichever is later

► Appeals

Received or postmarked no later than 60 days after the date of the SLD decision letter

Related Documents:[► Technology Plan](#)[► FCC Form 470](#)[► FCC Form 471](#)[► Funding Commitment Decision Letter](#)[► FCC Form 486](#)[► Invoicing](#)[► Records Retention](#)[► More Information](#)[► E-Rate Timetable](#)**QUICK LINKS****► Apply Online**

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Content Last Modified: December 4, 2003

Attachment 3

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Forms

All SLD forms are available for download, including Service Provider Forms. Files are available in PDF and may be printed out for your convenience. Should you need additional assistance, guidance is available by viewing "[How to Download PDF Files](#)".

Applicant Forms

Applicant Forms

Form 470

Description of Services Requested and Certification

Estimated Average Burden

Hours: 4 hours

Download Form: 124kb

Download Instructions: 142kb

Additional Resources:

- [Form 470 Reminders](#)

Form 471 (Year 2003)

Service Ordered and Certification

Estimated Average Burden

Hours: 4 hours

Download Form: 132kb

Download Instructions: 96kb

Additional Resources:

- [Item 21 Attachments](#)- [Form 471 Cost Calculation Grid](#)- [Form 471 Cost Calculation Grid Instructions](#)

Form 479

Certification by Administrative Authority to Billed Entity of Compliance with the Children's Internet Protection Act

Estimated Average Burden

Hours, FIRST TIME: 15 hours

For Subsequent Submissions:

1.5 hours

Download Form: 89kb

Download Instructions: 58kb

Form 486

Receipt of Service Confirmation Form

Estimated Average Burden

Hours, FIRST TIME: 15 hours

For Subsequent Submissions:

1.5 hours

Download Form: 73kb

Download Instructions: 157kb

Form 500

Adjustment to Funding Commitment and Modification to Receipt of Service Confirmation

Estimated Average Burden

Hours: 1.5 hours

Download Form: 93kb



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Attachment 4